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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,152	04/01/2004	Keiju Kishigami	Q80620	7358
23373	7590	06/06/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			WEISKOPF, MARIE	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/814,152

Applicant(s)

KISHIGAMI, KEIJU

Examiner

Marie A. Weiskopf

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-4 and 6-13 are pending.

#### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Response to Arguments***

2. Applicant's arguments filed 5/8/06 have been fully considered but they are not persuasive in regard to claim 1. Applicant argues that there is no change to the route guidance before the information is output to the user and that the driver will just be informed of upcoming deviations that have been taken in the past. Examiner agrees that Suzuki et al does teach this, as discussed in the rejection, however, Lefebvre, as also discussed in the rejection, is able to avoid areas that the user inputs. If the invention as taught by Suzuki et al is used with the invention of Lefebvre, it would have been obvious to one having ordinary skill in the art at the time of the invention to use the invention as taught by Suzuki et al to be able to keep in memory the deviation points and add the deviation points into the areas to be avoided as input by the user so as to avoid areas where the user has had trouble. The rejection of claims 1-4, 6-7 and 9-13 remain the same and can be found below.

3. Applicant's arguments, see pages 4-6, filed 5/8/06, with respect to the rejection(s) of claim(s) 8 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre (US 5,243,528) in view of Suzuki et al (JP 2000009484.) Lefebvre discloses a land vehicle navigation apparatus with visual display and Suzuki et al discloses a navigation device.

- In regard to claim 1, Lefebvre discloses a route guidance learning device comprising:
  - Operating inputting means for inputting the destination (Column 2, line 62)
  - Position detecting means for detecting the current position (Column 3, lines 15-18)
  - Map information acquiring means for acquiring map information (Column 3, lines 1-8)
  - Route searching means for searching a route from the current position to the destination on the basis of information input through the operation inputting means, the position detecting means and the map information acquiring means (Column 3, lines 25-35)

- Route guidance outputting means for outputting route guidance regarding the searched route provided by the route searching means (Column 3, lines 25-35)
- Route deviant position determining means for determining a newly deviated position from the searched route. (Column 4, lines 24-61)

Lefebvre fails to disclose storing the newly deviated route and previously deviated positions. Also, Lefebvre fails to disclose route guidance changing means for changing the route guidance prior to outputting the route guidance for the searched route based on the information on the previously determine route deviated positions. Suzuki et al discloses:

- Route deviant position storing means for storing the newly determined route deviated position and previously determined route deviated positions, where the previously determined route deviated positions were determined when the searched route was last traveled (Abstract)

Lefebvre, however, does disclose route guidance changing means for changing the route guidance, prior to outputting the route guidance for the searched route, on the basis of information input by the user, such as taking the shortest route, avoiding certain roads/areas, etc. (Column 6, lines 14-18) It would have been obvious to one having ordinary skill in the art at the time of the invention to use the storing means for storing all the previous deviated positions in a memory for future use of avoiding those routes with the invention of Lefebvre in order to allow

the user to not make the same mistake again and avoid where the user was confused in the navigation route previously as taught by Suzuki et al. (Abstract) If the invention as taught by Suzuki et al is used with the invention of Lefebvre, it would have been obvious to one having ordinary skill in the art at the time of the invention to use the invention as taught by Suzuki et al to be able to keep in memory the deviation points and add the deviation points into the areas to be avoided as input by the user so as to avoid areas where the user has had trouble.

- In regard to claim 2, Lefebvre discloses the route deviant position storing means for storing the information on the route deviated position by correlating with information obtained by the driver inputting means. Lefebvre would need to record the deviated position in order to be able to calculate a route back to the original and optimal route. (Column 4, lines 25-61)
- In regard to claim 3, Lefebvre fails to disclose having a route deviant position storing means. Suzuki et al discloses a route deviant position storing means which accumulates deviated position information on the newly determined route deviated position and the previously determined route deviated positions.

(Abstract) With the teachings of Suzuki et al, it would have been obvious to one having ordinary skill in the art at the time of the invention to have a route deviant position storing means as taught by Suzuki et al and using the route guidance changing means by Lefebvre so that when the searched route is requested yet again, such that each time the searched route is subsequently requested, the

route guidance is updated based on all accumulated deviated position information in order to give the user the easiest possible navigation route which will help the user avoid deviations.

- In regard to claim 4, as discussed previously, Lefebvre fails to disclose a route deviant position storing means whereas Suzuki et al teaches a route deviant storing means for storing deviated position information on the newly determined route deviated position and the previously determined route deviated positions. (Abstract) It would have been obvious to one having ordinary skill in the art at the time of the invention to include the route deviant position storing means with the information input by a drive through the operation inputting means in Lefebvre in order to provide a navigation route that is suitable for the driver.
- In regard to claim 6, Lefebvre discloses the route guidance changing means changes contents of a display of the route guidance. (Column 4, line 62-Column 5, line 4)
- In regard to claim 7, Lefebvre discloses the route guidance comprising at least audible vehicle maneuver instructions. It would be inherent that these instructions much change as the vehicle deviates and a new path is found. (Column 6, lines 61-67)
- In regard to claim 12, Lefebvre disclose the route guidance changing means is provided with route guidance method determining/changing means. (Column 4, lines 25-61)

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre (US 5,243,528) in view of Suzuki et al (JP 2000009484) as applied to claim 1 above, and further in view of Shinada et al (US 2002/0109602, now US 6,980,098). Shinada et al discloses an information processing apparatus, information processing method and program executed in information processing apparatus. Lefebvre and Suzuki et al fail to disclose the route guidance changing means changes the volume of a voice output. Shinada et al discloses being capable of changing the volume of a voice output of the route guidance. (Column 16, lines 40-52) It would have been obvious to one having ordinary skill in the art at the time of the invention to be able to change the volume of the voice output in order to be able to grab the attention of the driver as necessary to inform the driver of upcoming deviations possible and route guidance. Shinada et al discusses the need to be able to grab a driver's attention or be able to soothe a driver depending on the circumstances. (Column 15, line 59 – Column 16, line 3)
7. Claim 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre (US 5,243,528) and Suzuki et al (JP 2000009484) as applied to claim 1 above, and further in view of Tada et al (US 6,594,580.) Lefebvre and Suzuki et al fail to disclose the number of times, and delaying or advancing the timing of the route guidance. Tada et al discloses changing the number of times of a route guidance when the vehicle has deviated from the path. (Column 7, lines 53-67) Also, Tada et al discusses deciding how much information is needed for guidance, depending on speed and also if deviation has occurred from that point before. This then determines delaying or advancing the timing of a route guidance. (Column 7, line 64- Column 8, line 9) It



would have been obvious to one having ordinary skill in the art at the time of the invention to change the number of times the vehicle deviates from a route, and change the timing of the route guidance information in order to make a guidance for the user easier and more understandable and allow the user to not deviate from the desired path.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre (US 5,243,528) and Suzuki et al (JP 2000009484) as applied to claim 1 above, and further in view of Sato et al. (US 6,847,885) Lefebvre and Suzuki et al fail to disclose changing the voice or playback speed of a route guidance. Sato et al discusses calculating the estimated time until the vehicle reaches it's destination based on traveling information. From this, the playback speed of the voice output is decided. (Column 4, lines 17-32) It would have been obvious to one having ordinary skill in the art at the time of the invention to change the playback speed of the route guidance in order to provide more efficient guide information.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lefebvre (US 5,243,528) and Suzuki et al (JP 2000009484) as applied to claim 1 above, and further in view of Kudo et al (US 2004/0128066.) Kudo et al discloses an information providing method and information providing device. Lefebvre and Suzuki et al both fail to disclose being able to distinguish between drivers. Kudo et al discloses having a driver identification means. (Page 7, paragraph 112) Kudo et al discloses travel information history accumulation means for each driver. It would have been obvious to one having ordinary skill in the art at the time of the invention to use the driver

identification means as discussed by Kudo et al to distinguish between drivers so that not all deviated points are avoided when route searching is done but only deviated points that certain drivers have done.

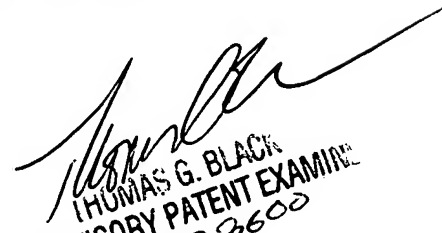
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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